

SUPREME COURT U.S.

MAI 1 1956

HAROLD B. WILLEY, Clerk

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1955

NO. 23

HARRY SLOCHOWER,

Appellant,

-VS-

THE BOARD OF HIGHER EDU-
CATION OF THE CITY OF NEW
YORK,

Appellee.

JOINDER BY ATTORNEY GENERAL RICHARD W.
ERVIN OF THE STATE OF FLORIDA AS AMICUS
CURIAE IN PETITION FOR REHEARING FILED BY
THE BOARD OF HIGHER EDUCATION OF THE CITY
OF NEW YORK

IN THE
SUPREME COURT OF THE UNITED STATES

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NO. 23

)	JOINDER BY
HARRY SLOCHOWER,)	ATTORNEY GENERAL
<i>Appellant,</i>)	RICHARD W. ERVIN
)	OF THE STATE OF
-vs-)	FLORIDA AS AMICUS
)	CURIAE IN PETITION
THE BOARD OF HIGHER)	FOR REHEARING
EDUCATION OF THE)	FILED BY THE
CITY OF NEW YORK,)	BOARD OF HIGHER
<i>Appellees</i>)	EDUCATION OF THE
)	CITY OF NEW YORK

To The Honorable Supreme Court of the United States:

The State of Florida, acting by and through its Attorney General, Richard W. Ervin, hereby joins in the petition for rehearing filed by the Board of Higher Education of the City of New York.

INTEREST OF THE STATE OF FLORIDA

Although no law of the State of Florida is involved in this case before the Court, this Amicus Curiae is vitally interested in the issues and the principles involved and joins the Board of Higher Education of the City of New York in their petition for rehearing because of the im-

portance to the State of Florida and all other state and local governments, as this case relates to the power to regulate internal affairs and to prescribe qualifications and requirements to be met by public employees.

Since 1949 the State of Florida, through Section 876.05, Florida Statutes, has required the execution of a loyalty oath by applicants for state employment. In the opinion of this ~~Amicus~~ Curiae it is conceivable that the decision of the Court in this case could weaken the authority of the State of Florida to require the above mentioned loyalty oath and could subject such oath to attack and thereby become amenable to the reasoning of the Court as applied against the City of New York in its authority to regulate public employment.

It is respectfully submitted that the City of New York or any other governmental agency has the right to prescribe the qualifications and conduct of its teachers and other public employees in the protection of its governmental institutions from undesirable influences.

Appellant's right guaranteed by the Fifth Amendment was preserved since, as a citizen, he was not required to give testimony which would tend to incriminate him. However, as a teacher and public employee he forfeited his license to teach and hold public office by refusing to answer questions regarding his background. Section 903 is a reasonable requirement for a position of high public trust and should be sustained by this Honorable Court.

CONCLUSION

WHEREFORE, it is respectfully urged that the petition for rehearing be granted and that the order of the Court of Appeals be, upon further consideration, affirmed.

Respectfully submitted,

RICHARD W. ERVIN,
Attorney General of Florida

RALPH E. ODUM,
Assistant Attorney General

JOHN J. BLAIR,
Special Assistant Attorney General

PROOF OF SERVICE

I, Ralph Odum, Assistant Attorney General of the State of Florida, hereby certify that on the 18th day of May, 1956, I served copies of the foregoing Joinder on the several parties thereto as follows:

1. Ephraim S. London, Attorney for Appellant, by mailing a copy to him at 150 Broadway, New York City, New York.
2. Appellee, Peter Campbell Brown, by mailing a copy to him at his office in New York City, New York.

RALPH E. ODUM,
*Assistant Attorney General
of Florida*